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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

List of issues in relation to the second periodic report of Saudi Arabia*

Articles 1 and 4

1. While noting the information provided by the State party indicating that the Royal Decree approving the Convention against Torture has the legal effect of integrating the Convention into the State party's domestic law,[1] that the Code of Criminal Procedure prohibits torture of persons in detention,[2] and that Royal Decree No. 43 provides criminal penalties for public officials proven to have committed any of the offences provided for in the Decree, including torture,[3] the Committee recalls its previous concluding observations (see CAT/C/CR/28/5, paras. 4 (a) and 8 (a))[4] expressing concern that the State party's domestic law does not explicitly define torture in a manner reflecting article 1 of the Convention, nor does it contain specific criminal penalties for torture. Please indicate whether the State party is taking any measures to expressly incorporate the crime of torture within its domestic law and whether it intends to adopt a Criminal Code or other law that imposes criminal sanctions for torture as defined by the Convention.[5]

2. In the light of the Committee's previous concluding observations (paras. 4 (b) and 8 (b)) and of the serious concern expressed by the United Nations High Commissioner for Human Rights and three special procedure mandate holders of the Human Rights Council, please indicate whether the State party has taken steps to prohibit the imposition by judicial and administrative authorities of corporal punishments, such as flogging and amputation of limbs, which are in breach of the Convention. Please also provide information on any measures taken by the State party to prevent the full implementation of existing judicial sentences involving corporal punishment, such as the sentence of 1,000 lashes, as well as

* Adopted by the Committee at its fifty-sixth session (9 November-9 December 2015).

[1] See second periodic report of Saudi Arabia (CAT/C/SAU/2, para. 24).

[2] Ibid., para. 39.

[3] Ibid., para. 57.

[4] Unless otherwise indicated, paragraph numbers in parentheses refer to the previous concluding observations adopted by the Committee.

[5] See report of the Special Rapporteur on violence against women, its causes and consequences : mission to Saudi Arabia (A/HRC/11/6/Add.3, para. 95 (b)); and compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 on Saudi Arabia (A/HRC/WG.6/17/SAU/2, para. 4).

Please recycle

10 years' imprisonment and a fine, imposed on blogger Raef Badawi following his 2012 arrest and conviction on charges of "insulting Islam".

3. With reference to the State party periodic report,[6] please provide disaggregated and updated data indicating whether any law enforcement, intelligence, prison or military personnel have been prosecuted for engaging in conduct amounting to torture as defined in article 1 of the Convention during the reporting period and, if so, please provide details on the relevant cases and their outcomes, including the title of those tried and convicted and the sentences in each case.

Article 2[7]

4. In the light of the Committee's previous concluding observations (para. 4 (d)-(e) and 8 (e)) expressing concern about reports of incommunicado pretrial detention, and noting the information provided by the State party in its periodic report,[8] please provide information on measures taken to ensure that all persons deprived of their liberty benefit in practice from legal safeguards against torture.[9] In particular:

(a) Please indicate whether any law enforcement or other officials have been subjected to disciplinary or other penalties for failing to provide persons deprived of their liberty with safeguards guaranteed in law, such as the right to contact a family member and to have the assistance of a lawyer of one's choice promptly following deprivation of liberty. Please provide data indicating any officials who have been disciplined or otherwise punished for failing to provide safeguards (including their respective ranks and/or titles), and describe the sanctions administered. Please also indicate measures taken to ensure the confidentiality of verbal and written communications between lawyers and their clients;[10]

(b) Please indicate whether the State party is considering amending the Code of Criminal Procedure to provide additional legal safeguards against torture, namely: the right to be informed of one's rights promptly upon deprivation of liberty; the right to request and receive a medical examination by a doctor of one's choice promptly upon deprivation of liberty; and the right to be presented to a judicial authority who can order release promptly following deprivation of liberty;

(c) Please describe measures taken by the State party to monitor the provision of safeguards by all public officials to persons deprived of their liberty, including whether officials are required to document relevant information in detention registers (including the detainee's name; the date, time and place of the detention; the date and time of admission to the detention facility; the names of all detaining and interrogating authorities; the grounds for the detention; the state of health of the detainee upon admission and any changes

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[6] See list of issues prior to the submission of the second periodic report of Saudi Arabia (CAT/C/SAU/Q/2, annex 9).

[7] The issues raised under article 2 could also touch on issues raised under other articles of the Convention, including article 16. As stated in paragraph 3 of the Committee's general comment No. 2 (2007) on the implementation of article 2 by States parties, the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment under article 16 (1) are indivisible, interdependent and interrelated. The obligation to prevent such ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. In practice, the definitional threshold between ill-treatment and torture is often not clear. See also chapter V of the same general comment.

[8] See CAT/C/SAU/Q/2, paras. 27-30.

[9] Ibid., para. 8.

[10] See report of the Special Rapporteur on the independence of judges and lawyers on his mission to Saudi Arabia (E/CN.4/2003/65/Add.3, para. 111 (d)).

thereto; the time and place of interrogations; and the date and time of release or transfer to another detention facility). Please indicate whether any law enforcement personnel have been subjected to disciplinary or other measures during the reporting period for failing to properly register detainees;

(d) With reference to the State party report,[11] please indicate whether the State party has installed closed circuit television equipment in all police stations in order to record interrogations.[12] Please indicate whether the video footage from these interrogations has been used as a source of evidence in any judicial proceedings involving allegations of torture or ill-treatment;

(e) Please describe the results of any investigations undertaken by the State party into allegations that persons deprived of their liberty were deprived of safeguards against torture, including:

(i) Allegations referred to by the Working Group on Arbitrary Detention that Mohammad Salih al-Bajadi, a human rights defender and co-founder of the Saudi Civil and Political Rights Association, was denied access to legal counsel of his choice throughout his pretrial detention and his 2013 trial before the Special Criminal Court on charges related to his human rights work;[13]

(ii) Allegations referred to in an urgent appeal by six special procedure mandate holders of the Human Rights Council that Waleed Abu al-Khair, a human rights lawyer and the founder and Director of Monitor of Human Rights in Saudi Arabia, was denied access to his lawyers and family following his April 2014 arrest on charges related to his human rights work.[14]

5. Please provide the following information concerning the Al-Mabahith (the Ministry of the Interior's General Intelligence Service):

(a) The number of persons deprived of their liberty during the reporting period by Al-Mabahith officers, and the amount of time that elapsed before their presentation to a judge. Please also provide information on any measures the State party is taking to require the General Intelligence Service to present individuals detained by them to a judge within a short period of time;

(b) Which government authority or authorities monitor Al-Mabahith detention facilities, and whether any Al-Mabahith officers have been disciplined or prosecuted for torture or ill-treatment, or for failing to provide legal safeguards, such as prompt access by the detainee to an independent lawyer, during the reporting period. If so, please provide data including the number of cases in which this has occurred and the type or types of discipline or punishment administered, disaggregated by year;

(c) The current whereabouts and condition of persons detained by the Al-Mabahith regarding whom the Working Group on Arbitrary Detention has previously expressed concern, in particular Saud Mukhtar al-Hashmini, a medical doctor, human rights defender and advocate for constitutional reform, and Sulaiman al-Rashoudi, a former judge and human rights activist; and the outcome of any investigations into the allegations that the Al-Mabahith denied both men access to independent legal counsel and family visits,

[11] See CAT/C/SAU/2, para. 114.
[12] See E/CN.4/2003/65/Add.3, para. 111 (e).
[13] See A/HRC/WGAD/2013/45.
[14] See communications report of special procedures (A/HRC/27/72, case UA 5/2014).

particularly in the first several months of their detention when it is alleged that Dr. Mukhtar was held in lengthy secret detention.[15]

6. In the light of concerns raised that provisions of the Penal Law for Crimes of Terrorism and its Financing, enacted in January 2014, and the establishment of the Specialized Criminal Court for terrorism cases, established in 2008, have negatively affected the State party's provision of safeguards against torture to persons deprived of their liberty in law and practice, please provide information on:

(a) The definition of terrorism provided in the legal framework;

(b) The number of persons convicted under this legislation;

(c) Measures taken to ensure that the length of time in which persons apprehended pursuant to this legislation are held in pretrial detention and the conditions of such detention fully comply with the provisions of the Convention;

(d) Measures taken to ensure that all persons judged before the Specialized Criminal Court enjoy fundamental legal safeguards and a fair trial;

(e) Reforms that have been taken or are being contemplated to address concerns about the impact of these measures on the State party's efforts to prevent torture and ill-treatment.

7. In the light of the Committee's previous recommendations (para. 8 (g)), please provide data on measures taken to ensure that officers of the Commission for the Promotion of Virtue and the Prevention of Vice act in accordance with the Convention and exercise precise jurisdiction, regulated by law and subject to review by ordinary judicial authority.[16] Please provide data on the number of arrests made by the Commission during the reporting period. Please also indicate whether members of the Commission have been disciplined or prosecuted during the reporting period for abuse of authority or violations of the Convention and, if so, please provide details on the number of such proceedings, the number of Commission members and volunteers subjected to disciplinary or judicial sanctions, for which offences, what period of time and with what results. Please comment on the results of any investigations undertaken in response to allegations that Commission officers deliberately caused a fatal vehicle accident in Riyadh in September 2013 and physically assaulted a foreign national and his wife, a Saudi Arabian citizen, in Riyadh in August 2014.

8. Please describe any measures taken to ensure the independence of the Human Rights Commission from the executive branch of government and to bring that Commission into line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

9. With reference to the Committee's previous recommendations (para. 8 (i)), and noting the information provided in the State party report,[17] please provide additional information on any measures taken to strengthen the independence of the judiciary from the executive branch of the government. Please indicate if the State party is considering modifying the current procedures for appointment and dismissal of judges, over which the King reportedly has absolute control. Please indicate whether the Trial Observation Unit of the Human Rights Commission has reported any concerns about judicial independence and

[15] See opinions adopted by the Working Group on Arbitrary Detention (A/HRC/10/21/Add.1, opinion No. 27/2007).

[16] See CAT/C/SAU/Q/2, para. 12.

[17] See CAT/C/SAU/2, para. 38.

what measures have been taken in response to any such reports. Please also provide data on the number of women currently serving as judges.[18]

10. With reference to the State party periodic report,[19] please provide additional information about measures taken to prevent and punish violence against women, in particular:

(a) Please indicate whether rape and other sexual violence and domestic violence are specifically criminalized in the State party's law, and if so, under which specific legal provisions;[20]

(b) Please provide data on the number of complaints of domestic violence and of sexual violence, including rape, received by the authorities and the number of these claims investigated during the reporting period, as well as the number of prosecutions and convictions, and penalties applied;

(c) Please provide data on the number of shelters available to women seeking refuge from domestic violence in the State party's territory and the number of women who have accessed these shelters, disaggregated by year.

11. Please provide information on measures taken to ensure that all human rights defenders and journalists are protected from reprisals, harassment, intimidation and arrest, as a result of their activities.[21] In particular, please comment on the disbanding of the Saudi Civil and Political Rights Association and the arrest and imprisonment of its founders and members,[22] including Sheikh Sulaiman al-Rashoudi, Abdullah al-Hamid, Muhammad Fahd al-Qahtani, Abdulrahman al-Hamid, Abdulkareem Yousef al-Khoder, Mohammed Saleh al-Bajadi and Omar al-Hamid al-Saeed;[23] the arrest and imprisonment of Waleed Abu al-Khair, founder of Monitor of Human Rights in Saudi Arabia; and the arrest and imprisonment of Mukhlif al-Shammari, a human rights defender and former member of the Human Rights Commission.

12. Please indicate whether the State party is considering ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Article 3

13. With reference to the State party report[24] and in the light of the Committee's previous concluding observations (para. 4 (g)) expressing concern about cases of deportation breaching the non-refoulement obligations under article 3 of the Convention, please provide the following additional information:

(a) Data on the number of asylum requests that have been registered by the State during the reporting period, and the number of requests that have been granted, disaggregated by year and the asylum seekers' country of origin. In particular, please

[18] See CAT/C/SAU/Q/2, para. 13.
[19] See CAT/C/SAU/2, para. 156.
[20] See CAT/C/SAU/Q/2, para. 33; concluding observations of the Committee on the Elimination of Discrimination against Women on the initial and second periodic report of Saudi Arabia (CEDAW/C/SAU/CO/2, 2008, paras. 21-22).
[21] See report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/HRC/23/39/Add.2, paras. 351-359).
[22] See report of the Special Rapporteur on the situation of human rights defenders (A/HRC/28/63/Add.1, paras. 532-538).
[23] See communications report of special procedures (A/HRC/28/55, case SAU 11/2014).
[24] See CAT/C/SAU/2, paras. 54-56.

indicate the number of individuals deported to Eritrea, Somalia and South Sudan since the submission of the State party report, disaggregated by year;

(b) Data on the number of persons who have been returned, deported or extradited by the State party during the reporting period, and the countries to which such persons were returned;

(c) Updated information on any efforts made to adopt national legislation establishing procedures by which individuals can claim asylum;

(d) Information on any measures taken by the State party to cooperate with the Office of the United Nations High Commissioner for Refugees in the identification of persons in need of international protection at entry points;

(e) Information on whether the State party is considering acceding to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.[25]

14. With reference to the State party report,[26] please provide updated data on the number and the nature of cases of trafficking that have been identified during the reporting period, the number of victims and their countries of origin. Please also provide information on the legal framework existing to prevent and punish trafficking and the concrete actions the State party has undertaken in this regard. Please indicate whether any victims of trafficking have been returned to their country of origin, and identify the country to which they were returned. Please provide information on measures taken to ensure that victims of trafficking obtain redress.[27] Please also provide updated information on the number of individuals who have been prosecuted for trafficking pursuant to the Suppression of Trafficking in Persons Act since 2012, and the sentences they received.

Article 5

15. Please indicate any steps taken by the State party to include provisions establishing universal jurisdiction for acts of torture in its legislation.[28]

16. Please indicate whether the State party has rejected, for any reason, any request for extradition by another State of an individual suspected of having committed an offence of torture. Please also indicate whether the State party has started prosecution proceedings as a result. If so, please provide information on the status and outcome of such proceedings.

17. Please indicate any actions the State party is taking to ensure prompt, impartial and effective investigations into allegations against nationals, including diplomatic personnel, who have been accused of torture and ill-treatment, including sexual violence, outside the territory of the State party. Please provide information on any investigation carried out into allegations made against a diplomatic representative of the Stare party who was posted in India until September 2015.

Article 10

18. With reference to the information provided in the State party report,[29] please provide additional information on any efforts made by the State party to provide training to health professionals on the recognition and documentation of the physical consequences of

[25] See CAT/C/SAU/Q/2, para. 17.
[26] See CAT/C/SAU/2, paras. 62-65, and annexes 8 and 10.
[27] See A/HRC/WG.6/17/SAU/2, para. 25.
[28] See CAT/C/SAU/Q/2, para. 18.
[29] See CAT/C/SAU/2, paras. 73-89.

torture.[30] Please indicate whether the State party provides any training on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol) to public officials and medical personnel dealing with detainees and/or to officials involved in the documentation and investigation of torture.

19. Please provide information on any specific training established by the State party for judges on the issue of addressing violence against women from a human rights perspective, including measures promoting prevention and protection of victims.[31]

20. Please indicate whether the State party provides law enforcement officials with manuals on interrogation techniques and whether these clearly reflect the absolute prohibition against torture.[32]

Article 11

21. In the light of the Committee's previous concluding observations (para. 4 (d)), expressing concern regarding allegations of prolonged pretrial detention and the limited degree of judicial supervision of pretrial detention, and with reference to the State party report,[33] please provide additional information concerning the practice of pretrial detention, including the number of persons currently in pretrial detention, disaggregated by facility. Please also provide additional information on measures taken to avoid protracted pretrial detention, particularly for periods longer than six months, and to ensure prompt and regular judicial supervision of pretrial detention.[34]

22. Please provide data, disaggregated, inter alia, by location, on persons deprived of their liberty in prisons and other detention facilities, excluding pretrial detainees.[35]

23. With reference to the State party report,[36] please provide updated data on the number of visits conducted by the Bureau of Investigation and Public Prosecution to prisons and detention centres since 2012, disaggregated by detention facility; as well as updated data on the number of cases investigated by the Bureau during such visits. Please indicate how many of these cases relate to allegations of torture or ill-treatment, as well as how many investigations resulted in prosecutions and the outcome of all such cases, including the sentence received in cases of conviction.

24. Please indicate whether the State party is considering strengthening the independence of the Bureau of Investigation and Public Prosecution or creating a prison monitoring authority that is independent of the Ministry of Interior.

25. With reference to the State party report,[37] please provide additional information on the Human Rights Commission's monitoring of detention facilities in the State party, including:

(a) Updated data on the number of visits made during the reporting period since 2012, disaggregated by detention facility;

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[30] See CAT/C/CR/28/5, para. 8 (j); CAT/C/SAU/Q/2, para. 19.
[31] See A/HRC/WG.6/17/SAU/2, para. 30.
[32] See CAT/C/SAU/Q/2, para. 23.
[33] See CAT/C/SAU/2, para. 168.
[34] See also CAT/C/SAU/Q/2, para. 7.
[35] See CAT/C/CR/28/5, para. 8 (l); CAT/C/SAU/Q/2, para. 20.
[36] See CAT/C/SAU/2, annexes 1 and 2.
[37] Ibid., para. 32 and annex 4.

(b) Information on whether the Human Rights Commission has been unable to regularly visit any places of detention in the State party during the reporting period;

(c) The number of claims received by the Human Rights Commission involving cases of torture and ill-treatment, how many were made the subject of an investigation, and by which authorities, and the outcome of the investigations, including the number of investigations that resulted in prosecution and the number of prosecutions that resulted in convictions;

(d) Additional information about the conclusions and recommendations made by the Human Rights Commission on the basis of its visits to places of detention, whether these have been implemented by the authorities, and whether the Commission's reports on its visits to detention centres and resulting recommendations are publicly available.

26. With reference to the State party report,[38] please provide updated data on the number of visits conducted by the National Society for Human Rights to places of deprivation of liberty, disaggregated by detention facility. Please indicate the number of claims received by the National Society involving cases of torture and ill-treatment, how many were made the subject of an official investigation, and by which authorities, and the outcome of the investigations, including the number of investigations that resulted in prosecution and the number of prosecutions that resulted in convictions.

27. With reference to the State party report,[39] please provide updated information on visits to prisons and detention centres undertaken by diplomatic bodies and international delegations since 2012, indicating the identity of the diplomatic representative and international delegations concerned. Please describe any complaints received as a result of such visits and the measures taken in response.

28. Please provide information on measures taken to improve the conditions of all places of deprivation of liberty and to ensure the separation of those convicted and those remanded in custody.

Articles 12 and 13

29. With reference to the State party report,[40] please provide updated data indicating the number of complaints of torture and ill-treatment received by the Human Rights Commission during the reporting period. Please provide data on the "statutory actions" taken by the Commission in response to complaints of torture and ill-treatment during the reporting period, disaggregated by year.

30. Please provide statistical data on all complaints of torture and ill-treatment received by the Bureau of Investigation and Public Prosecution during the reporting period; please also include how many complaints were made the subject of an investigation and how many investigations resulted in prosecutions.

31. With reference to the State party report,[41] please indicate whether the State party is considering taking steps to ensure the complete independence of the Bureau of Investigation and Public Prosecution from the Ministry of the Interior.

32. With reference to the State party report,[42] please indicate whether the State party has taken measures to create confidential complaints mechanisms that can be accessed by

[38] Ibid., annex 6.
[39] Ibid., annex 7.
[40] Ibid., para. 32.
[41] Ibid., para. 26.
[42] Ibid., para. 107.

persons in detention facilities seeking to raise concerns of torture or ill-treatment without informing the warden of the facility.

33. With reference to the State party report,[43] please indicate the measures taken to adopt a comprehensive bill on juveniles and juvenile criminal procedures. Please also indicate:

(a) How many juvenile criminal cases have been investigated and how many perpetrators have been prosecuted in such cases since the previous State party report;

(b) Measures taken to ensure that the juvenile department at the Bureau of Investigation and Public Prosecution has the resources to care and protect juveniles during the investigation.

Article 14

34. In the light of the Committee's previous concluding observations (para. 4 (j))[44] expressing concern that victims of violations of the Convention rarely obtained compensation, and with regard to the information provided in the State party report,[45] please provide information on the number of instances during the reporting period in which a victim of torture and ill-treatment obtained compensation, and the amount received in each case.

35. With reference to the State party report,[46] please provide additional information indicating the number of victims of torture and ill-treatment who have received rehabilitation during the reporting period.

36. Please clarify whether a victim of torture is entitled to compensation only if he or she receives a court order, and whether victims of torture are able to obtain redress, including medical care, even if the perpetrator has not been found guilty in a criminal proceeding.

Article 15

37. In the light of the information provided in the State party report,[47] please clarify whether any domestic legal provision explicitly prohibits the use in judicial proceedings of statements made as a result of torture. Please also provide information on any instances during the reporting period in which a judge has invalidated a confession found to have been made as a result of torture, indicating the year of the decision and the court involved.

38. Please provide data on the number of cases in which the State party's authorities have opened investigations into allegations made by criminal defendants in court that they were tortured to obtain a confession. Please also comment on whether cases were opened into the claims of torture allegedly made by the following individuals who were sentenced to death on the basis of confessions, which they alleged were obtained through torture by Al-Mabahith officers: Ali Mohammed Baqir al-Nimr; Hadi bin Saleh Abdullah al-Mutlaq, Awad bin Saleh Abdullah al-Mutlaq, Mufrih bin Jaber Zayd al-Yami and Ali bin Jaber Zayd al-Yami.

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[43] Ibid., paras. 128-129.
[44] See also CAT/C/SAU/Q/2, para. 27.
[45] See CAT/C/SAU/2, paras. 135-139.
[46] Ibid., para. 139.
[47] Ibid., para. 104.

Article 16

39. In the light of concerns expressed by United Nations human rights experts on the reportedly increased number of executions carried out by the State party, please provide statistical data on death sentences applied during the reporting period, disaggregated by age, nationality, ethnicity and gender, also indicating the method of execution. Please indicate whether the State party is considering eliminating the death penalty for non-violent crimes and offences such as "sorcery", "adultery" and "apostasy". Please also indicate measures taken to ensure that persons facing the death penalty benefit from legal assistance and due process, and to ensure that foreigners facing the death penalty receive assistance with language translation and interpretation.[48]

40. Please provide data on the number of complaints of torture or ill-treatment of migrant workers that were received during the reporting period, how many were investigated and their outcome. Please describe any specific laws or policies aimed at preventing, investigating and punishing sexual abuse and exploitation of migrant women workers in the State party. Please also provide information on measures taken to provide shelters and psychological and legal aid to migrant workers who have been victims of abuse,[49] as well as information on any compensation received by migrant workers subjected to abuse.

41. Please provide information on measures taken by the State party to introduce legislation explicitly prohibiting all forms of corporal punishment of children in all settings, including in the family, schools, the penal system and alternative care settings.[50]

Other issues

42. Please indicate whether the State party intends to withdraw its reservations to the Convention.[51]

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[48] See concluding observations of the Committee on the Elimination of Racial Discrimination on the initial and second periodic reports of Saudi Arabia (CERD/C/62/CO/8, para. 18).

[49] See A/HRC/11/6/Add.3, para. 95 (d).

[50] See concluding observations of the Committee on the Rights of the Child (CRC/C/SAU/CO/2, paras. 44-45).

[51] See CAT/C/SAU/Q/2, para. 40.